

**Pennington Borough Council  
Regular Meeting – November 7, 2022**

Mayor Davy called the Regular Meeting of the Borough Council to order at 7:00 pm. The meeting was held via Zoom due to the COVID19 pandemic. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Gnatt, Gross, Marciante, and Stern in attendance.

Also present were Public Works Superintendent Rick Smith, Chief Doug Pinelli, Sergeant Thomas, Sergeant Burroughs, Chief Financial Officer Sandra Webb and Borough Attorney Walter Bliss.

Mayor Davy announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the door at Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

**Open to the Public – Agenda Items Only**

Mayor Davy read the following statement.

The meeting is now open to the public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please raise your hand and when the Borough Administrator acknowledges your name and address for the record. Please limit comments to the Governing Body to a maximum of 3 minutes.**

Mr. Dan Pace of 9 Railroad Place stated that he is very appreciative of what Mayor and Council do and today especially he would like to thank Mayor and Council for considering his request to allow public comment on all items not just agenda items at the beginning of the meeting. Mr. Pace also thanked the Governing Body for the discussion that will be held later related to outdoor lighting. Mr. Pace asked that Council consider a couple of amendments to the Resolution amending the public comment period spoke about the proposed Council By-Laws that will be considered later in the meeting. Mayor Davy stated that this is on for discussion under Mayor's business.

There were no further comments from the public.

**Mayor's Business**

Mayor Davy stated that first item under Mayor's Discussion is Sked Street Park Improvements but since he did not see the Chair of Parks and Recreation in the audience he would like to wait to give Brett time to join.

Mayor Davy stated that the next item is the Council By-Laws, Public Comment Period amendment. Mayor Davy stated that basically what the resolution will do is to change a long standing practice of holding a public comment at the beginning of the meeting for agenda items only with a time limit of 3 minutes. Mayor Davy stated that a working committee convened to compare our practice to what other municipalities are doing and we are now proposing an amendment to allow public comment on any item whether on the agenda or not, at the beginning of the meeting. Mayor Davy stated that there will still be a Public Comment period at the end of the meeting. Mayor Davy stated that in the research that was undertaken, there are towns that hold their public comments at the beginning of the meeting, there are towns that hold public comments at the end and there are towns that do it the way Pennington has been doing it and so the resolution before Council is to amend the practice to allow public comment at the beginning of the meeting. Mr. Marciante stated that there are times when the public comment period has gone on and on because people have their allotted time to speak, but then are allowed back in to speak again. Mr. Marciante was concerned that allowing that practice at the beginning of the meeting would result in Council not getting to the business of the meeting until late. Ms. Chandler stated that there was conversation in the working group about allowing one opportunity to speak and it was agreed that each person should have their allotted time, but they should not be allowed to speak again on the same topic. There was some discussion about allowing "counter arguing" where if new material comes up during the discussion, should it be allowed for this to become a debate. Mr. Bliss stated that he understood that his charge was that if you speak in the first public comment, you could not speak in the second public comment period and that is how the resolution was drafted. Mr. Bliss stated that it does not state on the same topic. Mayor Davy stated that if someone wants to speak on one topic at the beginning and separate topic at the end then that should be allowed. Mr. Bliss was directed to amend the Resolution to allow speakers to speak on a different topic during the second public comment period. Mr. Bliss stated that with regard to the time that a speaker is allowed to speak it was decided that the time limit should be 2 minutes with the Mayor authorized to extend the time period. Some discussion took place regarding the 2 minute time limit which was put in as a change so that the public comment at the beginning of the meeting does not drag on and delay the business that needs to be addressed. Mayor Davy clarified that the time limits discussed were 2 minutes at the beginning of the meeting and 3 at the end. Mr. Gross asked if the public comment period could be limited to 20 minutes. Mayor Davy stated that he did not think that was a good

idea. Mr. Bliss stated that he would prepare amendments and be prepared when the Resolution comes up later in the meeting.

Mayor Davy stated that the next item is Affordable Housing Administrative Agent Contract Amendment. Mayor Davy stated that the Borough recently entered into an agreement with CGP&H and that agreement needs to be amended to address the sale of a COAH unit. Mayor Davy stated that the agreement as written provides for \$145 per hour which would be quite costly given the amount of time involved in selling a COAH unit. Mayor Davy stated that the amendment provides that when one of the 16 COAH units goes up for sale CGP&H would meet all of the requirements for selling a COAH unit, vet applicants, prepare a list and market the property for a flat fee of \$2,000 per unit. Mayor Davy stated that he checked with Ed Schmierer who is the Planning Board Attorney and he felt this would be the most cost effective for the Borough. Mr. Bliss pointed out that the amendment has five categories of services that Council should also be aware of, each of the categories has a separate cap. Mayor Davy stated that there is a unit that is going up for sale and that is the amendment that is needed. Mr. Bliss was not sure why the other categories were included in the amendment and on that basis, Council should not approve the Resolution and agreement. Mr. Bliss suggested meeting with CGP&H to iron out what should be part of the amendment and what should be removed.

Mayor Davy announced the following appointments:

Timothy Schwartz will be moving from regular member on the Environmental Commission to Alternate 1 for a term ending December 31, 2022.

Jim Fuger will be moving from Alternate 1 on the Environmental Commission to an unexpired term ending December 31, 2023.

Dan Rubenstein appointed as a member of the Environmental Commission for a term ending December 31, 2022.

Kieran G. John was appointed as Alternate 2 on the Environmental Commission for a term ending December 31, 2023.

Jaye Berman is appointed to the Shade Tree Committee for an unexpired term ending December 31, 2023.

Nancy Fishman will serve as the representative from Environmental Commission to the Open Space Committee for a term expiring December 31, 2023.

Mayor Davy read the following Proclamation in summary.

**PROCLAMATION**

**WHEREAS**, it is the policy of the Borough of Pennington to recognize organizations that have contributed to the overall benefit of the community; and

**WHEREAS**, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

**WHEREAS**, Womanspace, in the belief that “peace begins at home”, has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

**WHEREAS**, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 110,143 women, 16,442 children and 7,567 men. Additionally, Womanspace has assisted more than 308,446 hotline callers over the last 45 years; and

**WHEREAS**, the Borough of Pennington commends Womanspace for their efforts to bring an end to the cycle of interpersonal violence imposed on women, children and men; and

**WHEREAS**, as Mayor of the Borough of Pennington I urge that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 5, 2022, as a visible symbol of that support; and

**WHEREAS**, the proceeds from Communities of Light 2022 will be used to fund vital services for victims of domestic violence, sexual assault and human trafficking.

***NOW, THEREFORE***, I, James Davy, Mayor of the Borough of Pennington, County of Mercer, State of New Jersey, do hereby proclaim Monday, December 5, 2022, as

***COMMUNITIES OF LIGHT DAY***

and hereby honor Womanspace on its many accomplishments and wish them continued success with Communities of Light in the years to come.

Mayor Davy reported on the proposed improvements to Sked Street Park. Mayor Davy stated that the Parks and Recreation Committee and the Public Works Committee worked together to come up with a plan for improvements at Sked Street Park which will include walking paths, upgraded equipment and a gazebo. Mayor Davy stated that this is a proposal only, a meeting will be held with residents in the area of the park prior to any work being done. Mayor Davy stated that the next step will be to seek estimates for the work to come up with a final plan that we be presented at a meeting with residents.

Mrs. Chandler stated that she is concerned about the Open Space Funds and she would like to see a complete package of proposals for use of Open Space Committee. Mrs. Chandler stated that these items should not be dealt with piece meal and Council should have a better understanding before funds are approved. Mrs. Chandler stated that she would like to see a budget before approving the use of Open Space Funds. Mayor Davy stated that this presentation is just a concept and there is more work to be done before the plan is finalized.

**APPROVAL OF MINUTES**

Council Member Chandler made a motion to approve the minutes of the October 3, 2022 Regular Council Meeting, second by Council Member Marciante with all members present voting in favor.

**APPROVAL OF CLOSED SESSION MINUTES (for content but not for release)**

Council Member Marciante made a motion to approve the Closed Session Minutes of September 6, 2022, second by Council Member Stern with all members present voting in favor.

**ORDINANCES FOR INTRODUCTION**

Mayor Davy read Ordinance 2022-14 by title.

**BOROUGH OF PENNINGTON  
ORDINANCE #2022 – 14**

**AN ORDINANCE AMENDING THE BOROUGH SALARY ORDINANCE (ORDINANCE 2022-3) TO PROVIDE FOR PAYMENT OF CROSSING GUARDS FOR SPECIAL EVENTS AT THE RATE OF \$40.00 PER HOUR**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENNINGTON** that the Borough Salary Ordinance (Ordinance 2022-3) is hereby amended at Section Ic to provide for payment of Crossing Guards at special events at the rate of \$40.00 per hour:

**SECTION I: EMPLOYMENT POSITIONS/ANNUAL COMPENSATION**

- a. The following officer and employee designations are hereby confirmed; and the rate of compensation of each such officer and employee, whose compensation shall be on an annual basis, is as follows:

Borough Administrator	\$88,204.86-\$100,000.00
Administrative Intern (part time)	\$35.00/hour
Borough Clerk	\$46,080.04
Assistant CFO	\$78,729.52
Utility Collector	\$31,835.48
Chief Financial Officer (part time)	\$88.98/hour
Tax Collector (part time)	\$88.98/hour
Technical Assistant to Construction (part time)	\$26.53/hour

Tax Assessor (part time)	\$14,059.59
Zoning Officer (part time)	\$9,514.46
Land Use Admin/Admin Asst.	\$55,000.00
Deputy Registrar	\$175.00 / month
Supt. of Public Works	\$89,034.93
Licensed Water Operator	\$49,682.45
Assistant to Superintendent of Public Works	\$41,000.00
Foreman	\$78,668.75
Judge of Municipal Court	\$13,367.29
Court Administrator (part time)	\$18,570.69
Prosecutor - (Flat Rate per Court Session/per resolution)	\$ 300.00
Public Defender – (Flat Rate per Court Session/per resolution)	\$ 200.00
Court Officer – (Flat Rate per Court Session)	\$76.50
Chief of Police (yearly clothing allowance \$1,500)	\$120,912.50
Administrative Assistant – Police Department	\$15.61/hour
Construction Official	\$29,082.87
Plumbing Sub-Code	\$51.25/ hour
Fire Sub-Code	\$43.68/ hour
Electric Sub-Code	\$42.80/ hour

- a. One person may serve in more than one office or position of employment as listed in Section a hereof. The hourly rates for Plumbing Sub-Code and Fire Sub-Code assume these functions are performed by separate people. A person hired to serve in a dual capacity as both Plumbing Sub-code and Fire Sub-code official shall be compensated at the rate of \$51.25 per hour whether the work in question is in one or both capacities.
- b. The amounts shown in Section a. hereof are the maximum amounts to be paid. However, at the discretion of Borough Council, lesser amounts can be paid.
- c. The rate of compensation of each employee paid on an hourly basis is as follows:

	Minimum	Maximum
<b>Police Department:</b>		
Crossing Guards	\$ 15.00	\$ 26.53
<b><u>Crossing Guard – Special Events</u></b>	<b><u>\$ 40.00 per hour</u></b>	
Special Police	\$ 17.00 per hour	
 <b>Part Time Employees – All Departments:</b>		
Part Time or Temporary	\$ 8.00	\$ 25.00
Part Time/Temporary/Licensed	up to a maximum of	\$ 100.00

**SECTION II: Employee/Personnel Manual.**

The terms and conditions of employment as set forth in the Borough Employee or Personnel Manual, as the same may exist and change from time to time, are hereby incorporated herein by reference. The Personnel Manual does not create a contract of employment and except for employees who are tenured; no contract of employment other than “at will” has been expressed or implied. The policies, rules and benefits described in the Manual are subject to change at the sole discretion of the Borough Council at any time.

**SECTION III:**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

**SECTION IV:**

Terms and Conditions of employment for Police and Public Works employees are specified in the respective labor agreements.

**SECTION V:**

This ordinance shall take effect upon final adoption and publication according to law, but the salaries herein provided for shall be retroactive to January 1, 2022 if appropriate.

Mayor Davy explained that this amendment would allow the Chief of Police to utilize Crossing Guards at Community Events which will save the Borough some money not having to hire Sheriff's Officers. Council Member Gross made a motion to introduce Ordinance 2022-14, second by Council Member Chandler with all members present voting in favor.

**Committee Reports**

**Planning & Zoning / Parks & Recreation/ Personnel** – Ms. Gnatt stated that Planning Board did not meet and she missed the Parks and Recreation meeting because she was away.

**Public Safety /Economic Development / Environmental** – Mrs. Chandler reported that Environmental has members in attendance to discuss the Carbon Neutral Initiative and also the Stormwater Feasibility Grant.

Mrs. Chandler stated that Economic Development has been focused on the Holiday Walk which will be December 2, 2022. Mrs. Chandler stated that the PBPA is considering having an area where they would serve beer or wine. Mrs. Chandler stated that the Social Affairs Permit which is required was not ready for tonight's meeting, but she would like Council to approve this idea so that the Borough Clerk and Chief of Police are authorized to sign off on the permit. Mr. Bliss stated that ordinarily there would be paperwork explaining the event but we do not have that. Mr. Bliss stated that there should be some action from Council to authorize the signatures but also to assign the review of the application to the Public Safety Committee so that when Betty and Doug sign off they would have the authorization and approval of Council. Mayor Davy stated that the Holiday Walk is a family event and introducing alcohol into the event goes against what the event is about. Mayor Davy stated that there might be some insurance concerns as last year there were all kinds of concerns regarding insurance. Mrs. Chandler stated that she could provide a contact for the PBPA insurance.

Walter asked for a motion that Council proceed with exploring the steps needed to obtain a Social Affairs Permit for the Holiday Walk for the sale of alcoholic beverages subject to the approval of the ABC, subject to insurance requirements and receipt of documents including a sketch of the booth and location, names of people in charge and the like and to accomplish all this create an ad hoc committee in addition to the Chief of Police and Borough Clerk to share the load in getting the various steps accomplished. Council Member Marcianti made a motion to approve the resolution read by the Borough Attorney, second by Council Member Angarone with all members present voting in favor with the exception of Mr. Gross who voted no.

Mrs. Chandler reported that Rules and Regulations for the Police Department have been forwarded to the Borough Attorney for review.

Mrs. Chandler reported that the Borough will not be pursuing the EV Charger grant any further since even if we received the grant there are out of pocket expenses that would not be able to be met.

Mrs. Chandler stated that two new hybrid vehicles have been ordered but delivery is 1 year out or more so they might be taking a look at acquiring a gas powered vehicle instead.

Mrs. Chandler stated that the noise and lighting ordinances are on for discussion later in the meeting.

Mrs. Chandler expressed Congratulations to Sergeants Burroughs and Thomas for their promotion to Sergeant First Class later in the meeting.

Chief Pinelli reported that there were no issues on Halloween, barricades were available but not needed and there were no injuries or incidents reported. Chief Pinelli thanked the Public Works Department for manning the lights and helping with traffic posts.

**Public Works/Open Space/Shade Tree** – Ms. Stern reported that Public Works met on October 18<sup>th</sup> and heard a presentation from 120 Water. Ms. Stern explained that 120 Water would assist with developing a lead line service plan and they will be submitting a proposal for consideration. Ms. Stern stated that the costs could be included in funding requests. Ms. Stern stated that Rick Smith reported that the Borough can expect an increase in recycling costs in 2024 due to some changes. Ms. Stern reported that Public Works began a review of the budget and will finalize numbers later this week. Ms. Stern reported that she attended a meeting with representatives from the I-Bank regarding finance and she learned a lot. Ms. Stern

stated that the Public Works Committee will be meeting and they plan to identify a project from the Asset Management Plan.

Mrs. Chandler asked for an update on the Lead Service Line inventory. Mr. Smith stated that there are 278 identified on the street side and 131 on the customer side. Mr. Smith stated that there are roughly 36 homes that they still need access to, but so far they have not identified any lead only galvanized. Mr. Smith stated that progress has slowed with leaf season in full swing.

**Open Space / Shade Tree** – Ms. Stern reported that Open Space did not meet but they will be meeting on November 16<sup>th</sup>. Ms. Stern stated that Shade Tree met and discussed the budget for 2023 which will remain the same as the existing budget.

**Finance & Technology / Board of Health** – Mr. Gross stated that the Finance Committee met and developed an outline for the 2023 budget process beginning with a meeting with Committee Chairs on November 29<sup>th</sup>. Mr. Gross stated that in December, Finance will meet to discuss a draft budget which will continue into January. Mr. Gross stated that a Town Hall meeting will be held in February for the public to attend followed by a Council Budget Work Session in March. Mr. Gross stated that we are on target to introduce the budget in April and adopt in May as required.

Mr. Gross stated that the Board of Health did not meet, however we have received notice that Montgomery Township will not be providing Health and Animal Control services to other towns going forward. Mr. Gross stated that Mayor Davy has reached out to other towns to seek proposals for these services.

**Historic Preservation / Library** – Ms. Angarone reported that Historic Preservation continues to work on an amendment to the ordinance.

Ms. Angarone reported that the Library discussed the budget and a meeting will be held on November 29<sup>th</sup> to discuss the Library MOU and the relationship with the Borough. Ms. Angarone reported on some upcoming programs that the Library will be hosting.

**Senior Advisory Board** – Mayor Davy had no report for Senior Advisory Board. Mayor Davy did report that earlier this week, Mercer County announced that they have ARP funds available for Senior Programs and services. Mayor Davy asked Council to think about and provide him with ideas for this program.

Mayor Davy stated that Mayor Anzano has indicated that Hopewell Borough will be requesting that their funds be allocated to the Hopewell Township Community Center and Senior Center project.

**COUNCIL DISCUSSION**

**Carbon Neutral Baseline** – Mrs. Chandler asked that Andrew Jackson, John Valenza and Joann Held be admitted to the meeting. Mrs. Chandler commended the Environmental Commission for their work on this project. Mr. Jackson and Mr. Valenza briefly described the report that was distributed.

**MEMORANDUM**

To: Pennington Borough Council

From: Pennington Environmental Commission

Subject: Estimated GHG emission baseline for calendar year 2018

Date: October 3, 2022

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In response to Pennington Borough Resolution 2021-3.4, the Pennington Environmental Commission (PEC) reviewed the Greenhouse Gas (GHG) emissions associated with Pennington Borough operations. The Borough operations in this estimate include buildings and facilities, street lights and traffic signals, operation of Borough-owned water and wastewater infrastructure, and mobile vehicle fuel combustion. This estimate does *not* include emissions out of the Borough’s direct control such as purchased services (e.g. wastewater treatment, recycling services, or materials used for infrastructure improvements).

Resolution 2021-3.4 requires a baseline emission rate. Accordingly the EC chose calendar year 2018 to establish a baseline. The spreadsheet used to calculate the emission was sourced from *Sustainable Jersey*. A description of the analytical approach to inferring emissions associated with Borough activities can be found on the Sustainable Jersey website<sup>1</sup>. As indicated in the table below the aforementioned Borough activities resulted in the emission of 305 metric tons CO<sub>2</sub>e in 2018. (CO<sub>2</sub>e is a measure used to compare the emissions of various greenhouse gases on the basis of their global-warming potential.)

In 2015 the Delaware Valley Regional Planning Commission (DVRPC) issued a report that contained GHG emission estimates for the municipalities that make up the nine counties in the DVRPC region. At that time the DVRPC indicated that Pennington Borough was responsible for 31,832 metric tons of CO<sub>2</sub>e emissions

annually<sup>3</sup>. The Mobile-Highway, Residential, and Industrial & Commercial sectors of the Borough accounted for 48%, 28%, and 24% of these emissions, respectively. This analysis illustrates that, while it is important to set a net-zero emission target for Borough operations, a much greater impact may be achieved by encouraging residents and businesses to also reduce their GHG footprint, as the PEC is directed in Resolution 2021-3.4.

The environmental commission will report to the Council on an annual basis the amount of carbon released by Borough operations and the amount of carbon offset. In addition, the PEC will assist the Borough in developing strategies to migrate away from carbon energy sources.

The committee appreciates the opportunity to assist the Borough in addressing the goals outlined in Resolution 2021-3.4.

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<sup>1</sup> - <https://www.sustainablejersey.com/actions/#open/action/24>

<sup>2</sup> - corresponding to 72,800 miles driven. Includes police and waste transportation.

<sup>3</sup> -

<https://www.dvrpc.org/webmaps/MunicipalEnergy/mcdDetail.aspx?mcdcode=3402157600>

**Stormwater Feasibility Grant** – Mayor Davy asked Ms. Held to briefly speak about the Stormwater Feasibility Grant Resolution that is on the agenda later in the meeting. Ms. Held stated that she heard about the availability of funds at a recent ANJEC conference in October. Ms. Held stated that there are funds set aside to look into Stormwater Utilities. Ms. Held stated that this study would determine if it makes sense for municipalities to form Stormwater Utilities. Ms. Held stated that if the Borough receives funds we would learn more about our Stormwater which is important in managing stormwater. Ms. Held stated that there is no commitment but it does make sense to learn more.

**Proposed Noise Ordinance** – Mrs. Chandler provided a rough draft for Council to review. Mrs. Chandler stated that there are two directions that the Borough could choose from, one is decibel monitoring and one is monitoring the times. Mrs. Chandler stated that the decibel choice is more involved and so she felt that the direction of monitoring the times was the better way to go for Pennington. Mrs. Chandler stated that one thing to note is that the Borough cannot differentiate between residents and contractors, the rules have to be the same. Mrs. Chandler explained the changes in the hours of operation for leaf and lawn equipment. Mrs. Chandler stated that the draft is similar to Hopewell Borough's ordinance. Council Members were concerned that this would be overregulating. Ms. Stern was concerned with being too specific and when something like Pickle Ball comes up and it is not specifically indicated that there might be a problem. Mr. Marciante stated that he would like more time to review the draft. Mayor Davy asked if Council could review the draft and provide comments to Betty so that this can be finalized for the next meeting. Mayor Davy stated that the Ordinance is about leaf blowers and landscaping equipment. Ms. Stern asked if this has been made public and it should be put out to residents so that they are aware it is up for discussion.

**Proposed Good Neighbor Residential Outdoor Lighting Ordinance** - Ms. Angarone stated that this is not ready for prime time.

Mayor Davy asked that the Noise and Lighting Ordinances be ready for discussion at the December meeting and that Council Members should forward their comments to Betty. Mayor Davy stated that the noise ordinance seems overly broad because the question was regarding leaf blowers only. Mayor Davy stated that he is not in favor of sending out an ordinance that is a draft.

**Updates on Communication Plan** – Ms. Stern stated that she asked that this be listed on the next couple of agendas and she would like to report that there are two meetings coming up this week, one with Committee Chairs and one with Department Heads to gather ideas and figure out how communication can be improved between Committees and Council. Ms. Stern stated that they will be working on a survey.

**Shared Services – E-Waste/Paper Shredding** – Mayor Davy stated that he received a letter from Hopewell Township asking if the Borough would be interested in a Shared Service for e-waste and shredding for a cost of \$1,000 per year. Council Members were in favor of pursuing this idea.

**Policy on the Protection and Safe Treatment of Minors** – Mr. Bliss stated that the Joint Insurance Fund requires us to adopt policies and this is a new one that will have a major impact on Borough activities. Mr. Bliss stated that Borough Employees and volunteers would be required to have a background check and training. Mr. Bliss stated that this would affect how we do business and how we run programs that involve children and how employees interact with children. Mr. Bliss stated that this will affect many areas of the Borough. Mr. Bliss stated that the question is how we implement this policy. Mr. Bliss stated that a draft was included in the packets, but how that policy should be molded needs input from the departments that will be affected. Mayor Davy stated that he is planning to convene a committee of the Library Director, the Chair of Parks and Recreation, Rick Smith and Chief Pinelli to discuss this policy.

**Best Practices Inventory** - Chief Financial Officer Sandy Webb reported on the Best Practices Inventory which is a requirement of the State to ensure compliance with various rules and regulations. Mrs. Webb stated that questions cover a wide range of topics and they change year to year. Mrs. Webb stated that there are scored and unscored questions. Mrs. Webb stated that the purpose of the unscored questions is to see if they need to become scored questions on the next survey. Mrs. Webb stated that she is happy to report that once again we will not be in jeopardy of losing any State Aid.

**NEW BUSINESS**

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 11.1**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED** that a refund be issued from the Current Fund to John Myer, 676 Cattail Road, Livingston Manor, NY 12758 for an overpayment of 3<sup>rd</sup> Quarter Taxes for Block 705, Lot 10, 110 Voorhees Avenue in the amount of \$3,584.96.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	M				Marciante	S			
Gnatt	X				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-11.1, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 11.2**

**AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Pennington that the bills be paid on audit and approval of the Mayor, the Appropriate Council Member and the Treasurer in the amount of \$ 1,169,637.86 from the following accounts:

Current	\$ 1,091,206.11
W/S Operating	\$ 36,317.06
General Capital	\$ 24,276.12
Grant Fund	\$ 627.61
Animal Control Fund	\$ 529.40
Open Space	\$ 8,450.00
Developer’s Escrow	\$ 6,530.56
Other Trust Fund	\$ 1,000.00
W/S Capital	\$ 701.00
TOTAL	\$ 1,169,637.86

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	M				Marciante	X			
Gnatt	S				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-11.2, second by Council Member Gnatt with all member present voting in favor.

**BOROUGH OF PENNINGTON**



RESOLUTION # 2022 – 11.3

RESOLUTION AUTHORIZING BUDGET TRANSFERS

**WHEREAS**, N.J.S.A. 40A:4-58 provides that during the last two months of the fiscal year or the first three months of the following year, should it become necessary to expend funds for any purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations transfers may be made; and

**WHEREAS**, transfers may not be permitted to appropriations for contingent expenses or deferred charges; and

**WHEREAS**, transfers may not be permitted from appropriations for contingent expenses, deferred charges, cash deficit of the preceding year, reserve for uncollected taxes, down payments, capital improvement fund or interest and redemption charges;

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that transfers be made between the following year 2022 budget appropriations:

<u>Current Fund Appropriations:</u>	<u>To:</u>	<u>From:</u>
Borough Property – O/E	\$8,500.00	
Shade Tree – O/E	\$3,000.00	
Police – O/E	\$2,000.00	
Borough Admin. – Salaries		\$13,500.00
<b>Total Current Fund</b>	<b>\$13,500.00</b>	<b>\$13,500.00</b>

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	S				Marciante	M			
Gnatt	X				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-11.3, second by Council Member Chandler with all members present voting in favor.

BOROUGH OF PENNINGTON  
RESOLUTION 2022-11.4

RESOLUTION APPROVING RAFFLE LICENSE RA: 3.22 FOR  
ST. MATTHEWS EPISCOPAL CHURCH

**WHEREAS**, St. Matthews Episcopal Church submitted raffle application RA: 3.22 on October 25, 2022 for a raffle to take place on December 10, 2022 and a copy of that application is attached to this resolution; and

**WHEREAS**, N.J.A.C. 13:47-4.1 et seq., requires seven (7) days to elapse before the Governing Body makes its findings and determinations; and

**WHEREAS**, the required waiting period was satisfied on October 31, 2022; and

**WHEREAS**, St. Matthews Episcopal Church meets the qualifications for issuance of a license for said raffle based on the findings and determination set forth in the annexed form 5-A, as required by law;

**WHEREAS**, St. Matthews Episcopal Church in accordance with law, has submitted the required fees forthwith;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that raffle license RA: 3.22 for St. Matthews Episcopal Church be approved; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk will forward the annexed Application and Findings and Determinations for RA: 3.22 to the Legalized Games of Chance Control Commission in accordance with N.J.A.C. 13:47-4.1, et seq.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	M				Marciante	X			
Gnatt	X				Stern	S			

Council Member Chandler made a motion to approve Resolution 2022-11.4, second by Council Member Stern with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 11.5**

**RESOLUTION AUTHORIZING REPAIR AND REPLACEMENT OF FLYGT PUMP AT CURLIS  
AND SKED STREET PUMP STATIONS UNDER COOPERATIVE PRICING AGREEMENT WITH  
THE NORTH JERSEY WASTEWATER COOPERATIVE  
PRICING SYSTEM**

**WHEREAS**, in July 2022 the Borough of Pennington required emergency repair and replacement of Flygt Pumps at the Curliss Pumping Station and the Sked Street Pumping Station;

**WHEREAS**, the work was performed by Pumping Services, Inc. of Middlesex, New Jersey, under the Borough’s pricing system agreement with the North Jersey Wastewater Cooperative Pricing System;

**WHEREAS**, Pennington Borough joined the North Jersey Wastewater Cooperative Pricing System by Resolution 2021-10.8 in October 2021;

**WHEREAS**, the work at the Curliss Pumping Station occurred over multiple days in April as described in the attached Invoice #1131382 dated July 14, 2022 and corresponding Field Service Tickets, for a total cost of \$3,110.74;

**WHEREAS**, the work at the Sked Street Pumping Station occurred over two days in June as described in the attached Invoice #1131383, also dated July 14, 2022 and corresponding Field Service Tickets, for a total cost of \$3,038.00;

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase in the 2022 Water/Sewer budget – Account #: 2-05-55-501-000-292;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid purchase of services through the North Jersey Wastewater Cooperative Pricing System, is hereby approved and ratified in the total amount of \$6,148.74 in accordance with the attached invoices.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	X				Marciante	X			
Gnatt	S				Stern	M			

Council Member Stern made a motion to approve Resolution 2022-11.5, second by Council Member Gnatt with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 11.6**

**RESOLUTION AUTHORIZING PURCHASE OF REMOTE READ METERS FROM RIO SUPPLY,  
INC. THROUGH COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE NORTH  
JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM**

**WHEREAS**, the Borough of Pennington has committed to the replacement of manual read meters with remote read meters; and

**WHEREAS**, the Superintendent of Public Works has submitted a request to purchase additional remote read meters; and

**WHEREAS**, the Superintendent has determined that the remote read meters are available from Rio Supply, Inc. through the North Jersey Wastewater Cooperative Pricing System; and

**WHEREAS**, Pennington Borough joined the North Jersey Wastewater Cooperative Pricing System by Resolution 2021-10.8 in October of 2021; and

**WHEREAS**, Rio Supply, Inc. located in Sicklerville, New Jersey is an authorized dealer for the desired equipment and has provided the Borough with quote #16459 dated November 4, 2022 for purchase of the equipment through the North Jersey Wastewater Cooperative Pricing System; and

**WHEREAS**, the quote identifies the following types of meters:

ED2B11RPDG11 – 5/8” x 3/4” T-10 C/I 302 Pro-Coder)r9001 Gal., inside	\$297.50
ED2B11RPWG11 – 5/8” x 3/4” T-10 Pro-Coder)r9001, Pit Gal	\$314.50
ED2F11RPDG11 – 1” T-10 C/I 302 Pro-Coder)r900i inside	\$476.00

**WHEREAS**, the Superintendent of Public Works has requested the flexibility to order these meters as needed and cannot at this time identify how many of each type he will need to order: and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase in the 2022 Water/Sewer budget – Account #: 2-05-55-501-000-292;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington that the aforesaid purchase of remote read meters from Rio Supply, Inc. through the North Jersey Wastewater Cooperative Pricing System, is hereby authorized in an amount not to exceed a total of \$4,000.00 with pricing as per quote #16459 dated November 4, 2022.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	S				Gross	X			
Chandler	X				Marciante	X			
Gnatt	X				Stern	M			

Council Member Stern made a motion to approve Resolution 2022-11.6, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 11.7**

**RESOLUTION AUTHORIZING ENROLLMENT OF THE BOROUGH IN THE SOMERSET COUNTY COOPERATIVE PRICING SYSTEM (#2-SOCCP)**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes two or more contracting units to establish a Cooperative Pricing System for the provision and performance of goods and services and enter into a Cooperative Pricing Agreement for its administration;

**WHEREAS**, prior to making purchases or contracting for services, the municipality or other contracting unit must determine that the use of the cooperative purchasing agreement will result in cost savings after all factors, including charges for service, material and delivery have been considered;

**WHEREAS**, the Borough of Pennington has the opportunity to utilize cooperative purchasing to obtain discount pricing through the Somerset County Cooperative Pricing System (#2-SOCCP); and

**WHEREAS**, the State of New Jersey has issued two (2) Local Finance Bulletins to provide guidance to municipalities and units of local government on the procedures for using national cooperative purchasing programs effectively;

**WHEREAS**, the Borough of Pennington desires to join the Somerset Cooperative Pricing System (2-SOCCP) to obtain discount pricing for goods and services; and

**WHEREAS**, the Borough will become a Participating Member in the Somerset County Cooperative Pricing System (2-SOCCP) by entering into a Cooperative Pricing System Agreement substantially in the form annexed to this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that the Mayor is hereby authorized to enter into the attached Cooperative Pricing System Agreement on behalf of the Borough and to take such other or additional steps as may be required to qualify the Borough as a Participating Member of the Somerset County Cooperative Pricing System (2-SOCCP).

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	M			
Chandler	X				Marciante	S			
Gnatt	X				Stern	X			

Council Member Gross made a motion to approve Resolution 2022-11.7, second by Council Member Marciante with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 - 11.8**

**RESOLUTION RATIFYING INFORMAL RESOLUTION OF VIOLATION OF SECTION 13-10 OF  
THE BOROUGH CODE PERTAINING TO UNAUTHORIZED REMOVAL OF A TREE  
FROM THE PUBLIC RIGHT-OF-WAY**

**WHEREAS**, Section 13-10.A of the Code of the Borough of Pennington provides, among other things, that no person shall remove any tree in the public-right-of way or public property of the Borough;

**WHEREAS**, Section 13-10.B of the Borough Code provides that any person violating this prohibition shall, upon conviction, be subject to a fine not exceeding \$1,000. plus payment for correction of the work as necessary to bring it into compliance with applicable specifications and requirements;

**WHEREAS**, the Owner of the residential property known as Block 705, Lot 8 at 315 Sked Street has removed a tree from the public right-of-way between the curb and sidewalk in front of the property, believing the tree to be dead;

**WHEREAS**, the removal of the tree became known to Borough officials and the matter was reviewed by the Borough Shade Tree Committee, which recommended that enforcement action of some kind be taken by the Administration;

**WHEREAS**, the matter was resolved amicably by the Mayor who directed that the owner pay the cost of a replacement tree, which was estimated by Public Works at \$275;

**WHEREAS**, a copy of the owner’s check for \$275, payable to the Borough of Pennington, is attached to this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, as follows:

- 1. The check for \$275 payable to the Borough of Pennington for a replacement tree is hereby accepted and ratified in lieu of formal proceedings in the matter of the Owner of Block 705, Lot 8 pursuant to Section 13-10 of the Borough Code, with the following caveat.
- 2. The unauthorized removal of any tree or shrub or part of a tree or shrub in the public right-of-way is prohibited by ordinance. Prosecution in Municipal Court pursuant to Section 13-10.B is the rule.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	S				Gross	X			
Chandler	X				Marciante	X			
Gnatt	X				Stern	M			

Council Member Stern made a motion to approve Resolution 2022-11.8, second by Council Member Angarone with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022-11.9**

**RESOLUTION AUTHORIZING ESCROW AGREEMENT FOR ENGINEERING SERVICES IN  
CONNECTION WITH SEWER CONNECTION FOR 100 LEWIS BROOK ROAD (AS REVISED)**

**WHEREAS**, by Resolution 2018-5.6 adopted by Borough Council on May 7, 2018 (superseding Resolution 2018-4.11), Pennington Borough Council conditionally authorized expansion of the Pennington Sewer Service Area to include the property known as 100 Lewis Brook Road in Hopewell Township located partially in Pennington Borough (“the Property”);

**WHEREAS**, Resolution 2018-5.6 sets forth conditions for expansion of the Pennington Sewer Service Area to include the Property as well as conditions for Borough approval of the related sewer connection;

**WHEREAS**, in September 2020 the Borough entered into an Escrow Agreement with then owners Daniel Popkin and Robin Federiconi covering engineering services needed to satisfy the various conditions of approval as well as inspection of the installation and connection;

**WHEREAS**, the Property has since been sold to Gimbert and Carmen Fernandez (hereafter “Owners”) intending to reside at 100 Lewis Brook Road and now seeking to connect with the Pennington sewer system;

**WHEREAS**, the escrow agreement between the Borough and Popkin/Federiconi in September 2020 covering the services of the Borough Engineer is no longer operable and an agreement with the new Owners is required;

**WHEREAS**, the intent of this new agreement is to cover the fees and costs of the Borough Engineer not only in inspecting the force main installation in the Pennington Right-of-Way and inspecting the connection to the Borough sewer system but also in determining and/or confirming the Owners’ compliance with all conditions of approval contained in Resolution 2018-5.6;

**WHEREAS**, as a preliminary matter, however, it has been discovered that a condition of approval of the expanded Sewer Service Area to include the Property has not been satisfied, namely the requirement that the Owners amend the deed or deeds to the Property, in a form approved by the Pennington Borough Attorney, to restrict development of the Property to single-family residential use;

**WHEREAS**, to avoid further delay Council authorizes the attached Escrow Agreement but directs that its execution be deferred until the Owners amend their deed or deeds as so required;

**WHEREAS**, a copy of the proposed new Escrow Agreement between the Borough and Gimbert and Carmen Fernandez is attached to this Resolution and same shall be amended to incorporate a recital that this condition precedent has been satisfied;

**NOW, THEREFORE, BE IT RESOLVED**, by Borough Council of the Borough of Pennington, that the attached Escrow Agreement between the Borough and Gimbert and Carmen Fernandez is hereby approved and the Mayor is hereby authorized to sign and enter into the Agreement on behalf of the Borough provided Owners first amend their deed or deeds to the Property, in a form approved by the Pennington Borough Attorney, to restrict development of the Property to single-family residential use in compliance with Resolution 2018-5.6.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	X				Marciante	M			
Gnatt	S				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-11.9, second by Council Member Gnatt with all members present voting in favor.

Mayor Davy asked for a consent agenda on Resolutions 2022-11.10 and 11.11.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 11.10**

**RESOLUTION PROMOTING SERGEANT NOVIN THOMAS  
TO SERGEANT FIRST CLASS IN THE PENNINGTON  
BOROUGH POLICE DEPARTMENT**

**WHEREAS**, pursuant to Chapter 46 of the Code of the Borough of Pennington regular members of the Pennington Borough Police Department are appointed to their respective ranks by Borough Council;

**WHEREAS**, Novin Thomas is now serving as Sergeant of the Pennington Borough Police Department;

**WHEREAS**, upon the recommendation of Chief Douglas Pinelli, it is determined by Borough Council that Novin Thomas has qualified for promotion to Sergeant First Class, in accordance with Paragraph 4 of Article XXVII of the Collective Bargaining Agreement between the Borough of Pennington and Pennington Borough Police Association;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Sergeant Novin Thomas is hereby promoted to Sergeant First Class in the Pennington Borough Police Department effective November 1, 2022, nunc pro tunc, with compensation as Sergeant First Class retroactive to that date.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	S				Marciante	M			
Gnatt	X				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-11.10, second by Council Member Chandler with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 – 11.11**

**RESOLUTION PROMOTING SERGEANT DARYL BURROUGHS  
TO SERGEANT FIRST CLASS IN THE PENNINGTON  
BOROUGH POLICE DEPARTMENT**

**WHEREAS**, pursuant to Chapter 46 of the Code of the Borough of Pennington regular members of the Pennington Borough Police Department are appointed to their respective ranks by Borough Council;

**WHEREAS**, Daryl Burroughs is now serving as Sergeant of the Pennington Borough Police Department;

**WHEREAS**, upon the recommendation of Chief Douglas Pinelli, it is determined by Borough Council that Daryl Burroughs has qualified for promotion to Sergeant First Class, in accordance with Paragraph 4 of Article XXVII of the Collective Bargaining Agreement between the Borough of Pennington and Pennington Borough Police Association ;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that Sergeant Daryl Burroughs is hereby promoted to Sergeant First Class in the Pennington Borough Police Department effective November 1, 2022, nunc pro tunc, with compensation as Sergeant First Class retroactive to that date.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	X			
Chandler	S				Marciante	M			
Gnatt	X				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-11.11, second by Council Member Chandler with all members present voting in favor.

Mayor Davy invited Sergeant Thomas and Sergeant Burroughs into the meeting to say a few words. Council Members congratulated both on their promotion to Sergeant First Class.

No action was taken on Resolution 2022-11.12.

**BOROUGH OF PENNINGTON  
RESOLUTION 2018-11.12**

**RESOLUTION AUTHORIZING AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT  
WITH CGP&H LLC FOR AFFORDABLE HOUSING SERVICES**

**BOROUGH OF PENNINGTON  
RESOLUTION 2022-11.13**

**RESOLUTION EXTENDING UNPAID LEAVE OF EMPLOYEE  
CHRIS WEBB THROUGH DECEMBER 31, 2022**

**WHEREAS**, Chris Webb is presently on an approved unpaid leave of absence through November 30, 2022;

**WHEREAS**, Mr. Webb has notified the Borough that he expects to meet with his doctor to prepare to return to work upon expiration of his leave;

**WHEREAS**, in order to ensure that Mr. Webb has the necessary medical clearances to return to work, including clearance by a Borough doctor to ensure fitness for duty, Council seeks to extend Mr. Webb’s unpaid leave of absence through December 31, 2022;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that extension of Chris Webb’s unpaid leave of absence is hereby approved.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	S			
Chandler	X				Marciante	M			
Gnatt	X				Stern	X			

Council Member Marciante made a motion to approve Resolution 2022-11.13, second by Council Member Gross with all members present voting in favor.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022 - 11.14**

**RESOLUTION AUTHORIZING APPLICATION FOR NJDEP  
STORMWATER UTILITY FEASIBILITY STUDY GRANT**

**WHEREAS**, the New Jersey Department of Environmental Protection has solicited Expression of Interest in No-Cost Storm Water Utility Consulting and Guidance;

**WHEREAS**, Pennington’s municipal storm water system is able to manage historic levels of rainfall, it is not able to manage adequately the storm water that results from recent increases in rainfall and local changes in impervious cover;

**WHEREAS**, Pennington is in the early stages of reviewing the need for a storm water utility and the Borough’s Environmental Commission has been tasked by Borough Council to explore the issues;

**WHEREAS**, to date a collaboration with the Watershed Institute has produced an impervious cover analysis, with results that underscore the pervasiveness of storm water issues in the Borough;

**WHEREAS**, the Watershed Institute study has also produced several conceptual designs to address areas with a significant amount of impervious cover;

**WHEREAS**, the extent and frequency of flooding has increased risks to public safety and burdens to homeowners generally, and flooding at the intersection of Route 31 and Delaware Avenue threatening neighboring businesses as well as the implications of developing the site of the former Borough landfill are likely to be challenges of particular prominence in the future;

**WHEREAS**, a storm water utility feasibility study will lay the groundwork for long-term investments in expanding and maintaining storm water infrastructure and for solving current and future storm water issues;

**WHEREAS**, in anticipation of Borough Council’s agreement with these observations and shared recognition of the need for a storm water utility feasibility study, and in order to meet a November 1, 2022 deadline, the Mayor has sent the attached letter to NJDEP, dated October 31, 2022, expressing the Borough’s interest in this opportunity;

**WHEREAS**, Borough Council seeks to adopt and ratify the Mayor’s letter and to endorse all steps by the Administration needed to support this application;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Pennington, that application to the NJDEP for available grant funds and no-cost storm water utility consulting and guidance, including the attached letter by the Mayor to NJDEP dated October 31, 2022, is hereby approved and ratified, with the direction that the Administration take all additional steps needed to submit supporting information and obtain application approval.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone				abstain	Gross	X			
Chandler	M				Marciante	S			
Gnatt	X				Stern	X			

Council Member Chandler made a motion to approve Resolution 2022-11.14, second by Council Member Marciante with all members present voting in favor with the exception of Ms. Angarone who abstained.

**BOROUGH OF PENNINGTON  
RESOLUTION 2022-11.15**

**RESOLUTION AMENDING BOROUGH COUNCIL HANDBOOK AND  
BYLAWS REGARDING PUBLIC COMMENT AT COUNCIL MEETINGS**

**WHEREAS**, as explained in the Borough Council Handbook and Bylaws (“Bylaws”), the Open Public Meetings Act requires as a minimum that a portion of every meeting of Borough Council be set aside for public comment on any governmental issue that a member of the public feels may be of concern to the residents of the Borough (III.A.8.b);

**WHEREAS**, nothing in the Open Public Meetings Act limits the discretion of Council in permitting, prohibiting or regulating the active participation of the public at any meeting as long as this minimum standard for public comment is met (III.A.8.c);

**WHEREAS**, the Bylaws as presently written observe that a common practice is to provide two periods for public comment, one at the beginning of the meeting for comment on agenda items and one at the end of the meeting for general comment not restricted to the agenda, a model Borough Council has heretofore adopted (III.A.8.d);

**WHEREAS**, Borough Council now seeks to amend the Bylaws to continue the practice of having two periods for public comment, one at the beginning and one at the end of the meeting, but removing any restriction on the subjects that can be addressed during either period;

**WHEREAS**, accompanying this change of procedure, however, Council also seeks to restrict each speaker to two minutes and permit them to speak at either the beginning or end of the meeting but not both;

**NOW, THEREFORE, BE IT RESOLVED**, by a majority of the full authorized membership of Borough Council, that the Bylaws are hereby amended (with new language underlined and deleted language crossed out) as set forth below.

1. Bylaws Article III.8.d, is hereby amended to read:

“d. Two Periods for Public Comment: A common practice is to provide two periods for public comment, one at the beginning of the meeting ~~for comment on agenda items~~ and one at the end of the meeting ~~for general comment not restricted to the agenda~~. ~~This allocation permits Council to hear public comment on agenda items before they vote while deferring comment of a more general nature until the business before Council is completed.~~”

2. Bylaws Article IV, Section F, subsection 2.d, under Order of Business, Regular Meetings, is hereby amended to read:

“d. Meeting Open to the Public for Comment ~~on Agenda Items Only~~.

The speaker shall:

- i. State their full name.
- ii. State their full address
- iii. Have ~~3~~ 2 minutes to speak ~~and can be permitted additional time by the Mayor~~”

3. Bylaws Article IV, Section F, subsection 2.n, also under Regular Meetings, with respect to the second public comment period permitted:

“n. Meeting Open to Public for General Comment by members of the public who did not speak during the first period for public comment or wish to speak on a different subject. Speakers will have three minutes to speak”

4. Bylaws Article IV, Section F, subsection 3.d, under Order of Business, Special Meetings, is hereby amended to read:

“d. Open to the Public - ~~Agenda Items only~~. The speaker shall:

- i. State their full name.
- ii. State their full address
- iii. Have 3 minutes to speak ~~and can be permitted additional time by the Mayor~~”

5. Bylaws Article IV, Section G, subsections 14. a, b and c, under Procedural Rules, Public Comment, are hereby amended to read:

“14. Public Comment. The public shall be offered the opportunity to address the Borough Council at Council Meetings as follows:

- a. Initial Comment Period (~~for Items on Agenda~~) – Members of the public may address the Council on any item of concern listed on the agenda. ~~Speakers~~ Members of the public are asked to provide their name and address for the record and to limit their comments to no more than ~~3~~ 2 minutes.
- ~~b.~~ Ordinance Public Hearings – Members of the public may address the Council relative to specific ordinances scheduled for public hearing and adoption. Members of the public are asked to provide their name and address for the record and to limit



their comments to no more than 3 minutes. It is noted that there is no public hearing requirement for the introduction of Ordinances. However, the public may comment on such introductory ordinances during **one of the public initial comment periods** ~~at the beginning of the Council meeting;~~

- c. Second Public Comment period (~~Unrestricted as to Subject~~) – At the end of each Council meeting **members of the public who did not speak during the first comment period or wish to speak on a different subject** shall be provided the opportunity to address the Council on any matter of concern. Members of the public are asked to provide their name and address for the record and to limit their comments to no more than 3 minutes.”

6. These amendments to the Borough Council Handbook and Bylaws shall be effective immediately.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Gross	M			
Chandler	X				Marciante	X			
Gnatt	X				Stern	S			

Mr. Bliss read the changes discussed earlier in the meeting into the record. Council Member Gross made a motion to approve Resolution 2022-11.15, second by Council Member Stern with all members present voting in favor.

**PROFESSIONAL REPORTS**

**Borough Attorney** – Mr. Bliss had nothing further to report.

**Chief Doug Pinelli** – Chief Pinelli stated that Sergeant Daryl Burroughs has completed the FBI Leeda Training.

**Superintendent of Public Works** – Mr. Smith had nothing further.

**Borough Clerk** – Mrs. Sterling reminded Council of the Closed Session. Mrs. Sterling gave a brief update on the water bills that went out with the new rates. Mrs. Sterling thanked the Police and Public Works Departments for the help with getting ready for Election Day tomorrow.

Chief Financial Officer – Mrs. Webb had nothing further to report.

**Public Comment**

Mayor Davy asked that anyone wishing to speak, please raise your hand so the Borough Clerk can acknowledge you, please state your name and address for the record and limit comments to the Governing Body to a maximum of 3 minutes.

There were no comments from the public.

**Closed Session**

**AT, 9:43 PM, BE IT RESOLVED**, that Mayor and Council shall hereby convene in closed session for the purposes of discussing a subject or subjects permitted to be discussed in closed session by the Open Public Meetings Act, to wit:

- Personnel Matter – Police
- Personnel - Borough Administrator Update

AT, 10:02 PM, Mayor and Council no further business to come before the meeting was adjourned.

Respectfully submitted,

Elizabeth Sterling  
Borough Clerk